

LYNDON CITY COUNCIL
REGULAR MEETING MINUTES OF
May 6, 2019

The Lyndon City Council met in regular session on Monday, May 6, 2019, 7:00 p.m., at City Hall.

1. CALL TO ORDER: Mayor Steve Morrison called the meeting to order.

- a) ROLL CALL: City Clerk called roll of the City Council. Mayor Steve Morrison members Bill Patterson, Doug Harty, Katie Shepard, Darin Schmitt, and Kevin Heit present.

City Staff present: Pat Walsh, City Attorney; Julie Stutzman, City Clerk; Darrel Manning, Chief of Police; and Scott Culley; Public Works.

Others Present: Brian Foster and Wes Weishaar, BG Consultants; Robert Ellis; and Gene Hirt.

2. APPROVAL OF MINUTES OF PREVIOUS MEETING:

- a) Patterson made the motion to approve the regular meeting minutes of April 15, 2019 as written. Schmitt seconded; motion carried.

3. CONSENT AGENDA:

- a) Approval of Bills: Schmitt made the motion to approve the bills as set forth. Shepard seconded; motion carried.

4. PUBLIC COMMENTS: Gene Hirt spoke to council in regards to his concerns about the upcoming street project, drainage issues, sewer project work on Highway 75, and the condition of Ash Street.

5. CORRESPONDENCE TO COUNCIL:

6. UNFINISHED BUSINESS:

- a) 916 TOPEKA ISSUE: Robert Ellis spoke with the council in regards to sewer project work done at his property at 916 Topeka Avenue. He stated the contractors had dug up both water and sewer utilities and was upset by the fact they had not gotten his permission before the work began. After much discussion with the contractor, Mr. Ellis stated he allowed the contractor to proceed with finishing the work with stipulations that everything would be fixed by code and a verbal agreement of \$500 would be paid to him by Nowak. Mr. Ellis asked if the city inspected the installation of the lines and it was noted that the engineer oversees those as part of the project.

Mr. Ellis stated they did not put the rock they promised back in his driveway and provided council a sample of the rock they put on his driveway. He also stated that

he wanted assurance that things were fixed properly and he wants his driveway repaired back to its original condition.

Mayor Morrison reviewed the project scope with Mr. Ellis and stated that he would bring it up in the project meeting this week.

Mr. Foster with BG stated that the contractor did breach his property; has been made aware of the agreement, however, whatever agreement was made was with Nowak and not the City. He also stated there is a construction observer on site that witnesses the materials going back in to verify they are following the specs of the project. At the end of the project, BG Consultants makes a recommendation to the governing body that the entire project was completed within the plans and specifications which includes Mr. Ellis' service line. The contractor has a bond that is maintained for an entire year that covers settling or other things that occur and that contractor has to come back in fix the issue. If they do not, then the city hires a bonding company to come in and correct it, however, ultimately it is the contractor's responsibility to build it to the plans and specifications.

- b) **SEWER PROJECT UPDATE – BG CONSULTANTS:** Wes Weishaar provided an update of the sewer project. Mr. Weishaar, Mr. Foster, the Maintenance Supervisor did a walk through with the contractor at the headworks plant. There are few punch items left to be done at the headworks facility, however, will proceed with the final walkthrough with the funding agencies on Wednesday, May 8.

Wastewater Treatment Improvements: 99% complete.

- Lagoons:
 - Final cleanup underway. Erosion control to remain under contractor responsibility until 70% vegetation established on seeded areas.
- Headworks building construction:
 - Equipment is in operation and processing City sewer flow.
 - Kansas Gas installation and punch list items remain.
- Substantial completion anticipated within 1-2 weeks. Final completion and closeout anticipated by mid-May.
- Change Order #2: \$4,366.95

Sanitary Sewer Service Tap Improvements: 90% complete.

- Hwy 75 work is underway. Lining remaining laterals and boring services that could not be lined.
 - Complete except for two service lines that conflict with water service line.
- Contractor wrapping up remaining few taps and restoration currently.
- City-wide cleanup and seeding to follow within the next couple of weeks.
- Post-construction CCTV inspection to begin this week (3-week duration).

- Final project completion anticipated by late May.
 - Change Order #5: \$26,352.64
- c) CHANGE ORDER #2 – BRB CONSTRUCTION: Harty made the motion to approve BRB Construction Change Order #2 in the amount of \$4,366.95 for installation of the water meter at the pump station. Heit seconded; motion carried.
- d) CHANGE ORDER #5 – PIPE SERVICES: Mayor Morrison asked if the proposed plan is the best option for the two problem digs on Highway 75. Mr. Foster stated they have reviewed the issue, discussed it, and it leaves three options: Approve the change order and proceed; deny the change order and leave the lines they way they are; or obtain another bid which may cost the same or more as was presented with the change order. After brief discussion, Schmitt made the motion to approve Pipe Services Change Order #5 in the amount of \$26,352.64. Shepard seconded; motion carried.
- e) APPROVAL OF SPECIAL USE PERMIT – VOLKMAN: The Planning and Zoning Board met in their regularly scheduled meeting and held the public hearing at 5:45 on the Special Use permit. No one from the public attended to object to the permit and after review the commission unanimously recommended approval. Patterson made the motion to approve the special use permit for Jeremy and Linda Volkman. Shepard seconded; motion carried.
- f) ADVANTAGE COMPUTER – OFFSITE STORAGE AND BACKUP: The City Clerk provided Council with a quote for obtaining offsite storage and backup from Advantage Computer who provides the city's software for utility billing, municipal court and accounting. Schmitt made the motion to approve the quote in the amount of \$1,455.00 and to be paid out the Equipment Reserve fund. Patterson seconded; motion carried.
- g) UPPER MARAIS DES CYGNES WATERSHED FLOOD RISK REVIEW: The City Clerk stated that she attended the meeting with the Maintenance Supervisor to review the pre-liminary flood risk map. Council received a copy of the proposed flood map and important upcoming dates in this process. The flood area has extended now to include all of the community center and just past the house to the north as well as some of the areas of creeks on 6th and 4th Streets. Deadline to submit any comments is May 17; public open house August 2019; distribution of the pre-liminary map November 2019; appeals period February-April 2020; final letter of determination August 2020; and new flood risk maps will be effective in February 2021.

- h) 2019 STREET, CURB AND GUTTER PROJECT: The Council received quotes from Killough Construction in the amount of \$198,902.50 for asphalt and Quality Built in the amount of \$53,869.00 for curb, gutter and sidewalk work. The Maintenance Supervisor handed out a map of the proposed streets to be done for the 2019 Street project with the total cost of \$252,771.50 which was discussed. It was noted that it would be August before the contractors could begin work. Schmitt made the motion to approve the quotes from Killough and Quality Built with \$40,000 of the bill from Killough Construction to be funded from Special Highway; remainder of \$158,902.50 and the bill from Quality Built in the amount of \$53,869.00 to be funded from City 1%. Shepard seconded; motion carried.

7. NEW BUSINESS:

- a) VETERAN'S BANNER PROJECT: Mayor Morrison stated the city is partnering with Lyndon Pride and American Legion Post #125 in the Veterans Banner Project. Approximately 42 banners honoring our military will be hung on the decorative lights lining Highway 75 during the month of November. The cost is \$150 and the banner will hang for three years at a time.
- b) MAYORAL APPOINTMENTS: The Council received a copy of the Mayoral Appointments for 2019. The City Clerk stated the ones highlighted in yellow are new or positions that are up for re-appointment. Mayor Morrison asked for a vote to approve the appointments as set forth. Patterson made the motion to approve. Shepard seconded; motion carried.
- c) UTILITY ACCOUNT MODIFICATION: The City Clerk stated they have an unpaid utility account of a resident who is deceased which cannot be collected as it was a rental the property and is asking the Council to waive the uncollectable balance so that it can be removed from the system. The amount of \$783.10 is somewhat substantial, however, it was access fees, no water was used as the meter was shut off due to non-payment and the renter refused to have the meter pulled so the charges would stop. Shepard made the motion to modify the account in the amount of \$783.10 in order to remove the debt. Schmitt seconded; motion carried.
- d) 2019 POOL HOURS AND RATES: Council received a copy of the hours and rates for the 2019 pool season. The pool will open Saturday, May 25 and close on Sunday, August 11. Hours will be from 1:00 p.m. to 6:00 p.m. daily. There was a brief discussion about getting back to keeping the pool open until Labor Day and past staffing issues to work the last few weekends. Patterson made the motion to approve the Lyndon City Pool 2019 Hours and Rates. Harty seconded; motion carried.

8. STAFF REPORTS:

- a) POLICE: Council received the Officer's Activity report for April 14 through May 5, 2019 and briefly discussed.

Patterson asked if the officers liked the new WatchGuard camera system and the Chief noted they do and it is going well.

- b) PLANNING AND ZONING: Regular meeting held at 5:30 this evening and the Zoning Administrator will provide his report at the next Council meeting.
- c) PUBLIC WORKS: Council received a copy of the Maintenance Activity report.

Mayor Morrison asked if they have had anyone apply for the summer maintenance position and it was noted there were some, but no real interest.

Patterson asked how things are going with the new sewer system and the Maintenance Supervisor stated it is up and running and going well. There are some things on the punch list that need to be done that were noted in the walk through.

Patterson asked if there has been a decrease in the inflow and infiltration since the project. The Maintenance Supervisor stated there is some, however, the rain events don't last as long as they used to and the plant goes back to normal within a day.

Mayor Morrison stated that when the project began it was noted that there are things outside the City's control such as collapse laterals, some sump pumps or rain gutters being plumbed into sewers, or broken caps on clean outs. The next step is to make an effort to educate the residents letting them know how these affect the system and cost to taxpayers. The Maintenance Supervisor stated BG Consultants recommended to another smoke test when things dry up and that would pinpoint some of those other areas of infiltration on the private side.

- d) CITY CLERK: Council received a copy of the Clerk's report.

Noted that the generator worked smoothly and that City Hall only had to be closed for a couple of hours during the installation.

Received a quote for the shred day event as request and the cost is approximately \$700 - \$1000 for three hours.

The city is now operating under the new State sewer permit as of March 21, 2019. The final reports for the previous permit were filed and the city is no longer required to submit quarterly reports to KDHE.

9. COUNCIL/MAYOR COMMENTS AND REPORTS:

Patterson thanked the staff for their continued work during the sewer project.

Mayor Morrison reiterated that he is excited about Veteran's Banner Project and that is a great project for the downtown.

10. EXECUTIVE SESSION: At 8:47 p.m. Patterson made the motion to recess to executive session for non-elected personnel for 10 minutes with the City Attorney attending. Schmitt seconded; motion carried. At 8:57 p.m. Council reconvened with Patterson making the motion to regrettably accept Chief Manning's letter of retirement. Chief Manning's last day of service to the city will be September 30, 2019. Schmitt seconded; motion carried.

At 9:01 p.m. Patterson made the motion to recess to executive session for 10 minutes for non-elected personnel with the City Attorney and City Clerk attending to discuss Pool hiring. Shepard seconded; motion carried. At 9:11 p.m. Council reconvened with Patterson making the motion to hire Lisa Reeser as the pool manager at \$9.25 per hour; Shepard seconded, motion carried. Patterson made the motion to hire Nicole Baker as assistant manager at \$8.50 an hour; Harty seconded, motion carried. Patterson made the motion to hire Makenzie Hull as Headguard at \$7.50 per hour; Heit seconded with Schmitt abstaining. Patterson made the motion to hire Stephen Steggs, Cheyanne Kline, Syndi Peterson, Shyann Huffmier, Cierra Moore, Brooke Addleman, Abigail Criqui, and Aubrey Beyer as lifeguards at \$7.25 per hour. Shepard seconded; motion carried.

At 9:14 p.m. Shepard made the motion to recess to executive session for 15 minutes for attorney-client privilege with the City Attorney. Heit seconded; motion carried. At 9:29 p.m. Council reconvened with no binding action taken.

11. ADJOURNMENT: Schmitt made the motion to adjourn to Monday, May 6, 2019 for regular meeting. Shepard seconded; motion carried.

Respectfully submitted,

Julie Stutzman, CMC

Julie Stutzman, CMC
City Clerk

Approved by the governing body on May 20, 2019

Attest:

Julie Stutzman, CMC

Julie Stutzman, CMC
City Clerk

